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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|------------------------------------|--|
| Office Action Summary | Application No. 10/825,089 | Applicant(s) CHAU ET AL. | |
| | Examiner Muthuswamy G. Manoharan | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 8/17/2006 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's assertion on Page 6 of the Remarks," Examiner reads "combinations of items 202,203,204,206 and 200 in Figure 2" on to station and second station of a wireless switch, **leaving Applicant to guess which elements or combination of elements the Examiner is reading onto the station and second station**".

Claim 1, is a method claim , and the combinations of items 202,203,204,206 and 200 in Figure 2 **perform the functions of Applicant's intelligent switch 200.** With the help of Stationary system controller the mobile system controller selects a new communication resources during group handoff (between one stationary base site (e.g. 109) to another stationary base site (e.g. 110), as described in Col. 9, lines 1-62; **"group handoff of the communication resources allocated to the mobile system controller when the common carrier transportation device travels into a service coverage area of a stationary base site that is adjacent to the first stationary base site"**, Col. 3, lines 5-10). Therefore, Averbach's mobile system controller is associating a station of a wireless switch with a first access point and associating a second station of wireless switch with a second access point.

Averbach further teaches (Col. 4, lines 19-31)," **the mobile system controller 200 preferably comprises a controller using the Motorola "iDEN" Base Site**

Controller platform. Similarly, the mobile base sites 202-203 and base station 206 preferably utilize the Motorola "iDEN" Enhanced Base Transceiver Site platform.

Although the base station 206 and the mobile system controller 200 are depicted in FIG. 2 as separate entities, a skilled artisan will recognize that the functionality of the base station 206 and the mobile system controller 200 may be combined into a single mobile infrastructure device". It is clear from above that Averbach knows it is a matter of design choice to keep all the elements separately or combine them into an integrated one.

Averbach's wireless switch is an integrated one and performs the limitations of the method claim 1, as described in the Office action.

Examiner respectfully disagrees with Applicant's assertion on Page 8 of the Remarks," Claim 9 recites. withdrawn (Page 9). Averbach teaches plurality of stations (items 202,231,204 and 205) and external access points (items 140,171).

Averbach teaches (Col. 9, lines 63-67 and col. 10, line s1-16) for example, when the common carrier transportation device 115 moves from service coverage area 129 to service coverage area 130 and the mobile system controller 200 is handed off from **stationary base site 109 to stationary base site 110**, the mobile system controller 200 preferably maintains the current local set of communication resources 220-229 after handoff if the current local set 220-229 is a subset of communication resources assigned to stationary base site 102 and the received signal quality of the control signal transmitted from stationary base site 102 via its assigned control channel 162 is below a threshold. However, when the common carrier transportation device 115 is

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handed off from stationary base site 111 to stationary base site 112 and the received signal quality of the control signal transmitted from stationary base site 102 is above the threshold, the mobile system controller 200 preferably selects a new local set of communication resources 400-409 (e.g., a subset of the communication resources assigned to stationary base site 103).

Averbach also teaches CDMA (Col. 3, line 52-53) and therefore, he could use soft handoff when switching from one stationary base site to another stationary base site. This could mean the station will be communicating with more than one external points at the same time. Averbach further teaches, plurality of stations (items 202,203,204 and 205). Therefore, it is inherent from Averbach's teaching that, "plurality of stations communicating with access points". The cited reference of Parks is provided to clarify further the soft handoff process wherein the station will be communicating with **more than one external access points simultaneously** during soft handoff.

Parks teaches (Abstract), "**during the handoff, the mobile station communicates with the first and second base stations**".

Applicant's other arguments are directed to the independent claims 1, 9 and 13 that are explained in the above paragraphs.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Averbach et al. (hereinafter Averbach) (US 5867785).

Regarding claim 1, Averbach teaches a method of managing communications associated with a plurality of wireless devices (Col. 4, lines 30-31), comprising:

detecting a first access point (item 140 in Figure 2);

associating a station of a wireless switch (combinations of items 202,203,204, 206 and 200 in Figure 2) with said first access point;

routing data between said plurality of wireless devices (Col. 4, lines 19-31; Figure 2)

and

said first access point using said first station, detecting a second access point (item 149 in Figure 2);

associating a second station of said wireless switch with said second access point (combinations of items 202,203,204, 206 and 200);

monitoring signal strengths of said first and second access points as received by said first and second stations (Col. 5, lines 57-67; Col. 6, lines 1-9);

and switching to routing data between said plurality of wireless devices and said second access point using said second station in response to said monitoring (Col. 8, lines 8-35).

Regarding claim 2, Averbuch teaches the method of claim 1 further comprising:
associating said plurality of wireless devices (Col. 4, lines 30-31) with an access point of
a wireless switch (items 202, 203, 204 and 205 in Figure 2; Col. 4, lines 19-31).

Regarding claim 8, Averbuch teaches the method of claim 1, wherein said
wireless switch is disposed within a transportation vehicle (Figure 2; Abstract, lines 3-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
the various claims was commonly owned at the time any inventions covered therein
were made absent any evidence to the contrary. Applicant is advised of the obligation
under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
not commonly owned at the time a later invention was made in order for the examiner to
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
prior art under 35 U.S.C. 103(a).

**Claims 9, 13 and 18 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Averbuch in view of Park et al. (hereinafter Park) (US 6609003).**

Regarding claim 9, Averbuch teaches a wireless switch system (combinations of items 202,203,204, 206 and 200 in Figure 2) for managing communications of a plurality of wireless devices (Col. 4, lines 30-31), comprising: an internal access point for managing a wireless local area network (WLAN) that includes said plurality of wireless devices (202,203,204 and 205 in Figure 2); a plurality of stations (item 206, integrated into a single station; Col. 4, lines 1-14) for communicating with external access points (items 140.... 171 in Figure 2), and a packet switch controller ("mobile system controller", item 200 in Figure 2; Col. 4, lines 19-21) for routing data between said plurality of wireless devices and external access points using said plurality of stations, wherein said packet switch controller is operable to switch communications between said plurality of stations in response to signal strengths received from said plurality of access points crossing threshold values (Col. 5, lines 57-67; Col. 6, lines 1-9).

Averbuch did not teach expressly plurality of stations for communicating with external access points. However, Park teaches in an analogous art, plurality of stations communicating with external access points (Abstract; Col. 6, lines 33-41, "soft handoff", "multiple antennas"). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use plurality of stations communicating with external access points to provide macro diversity and is well known in the art.

Regarding claim 13, Averbuch teaches a wireless system, comprising: a plurality of access points, and a wireless switch comprising: a plurality of stations for communicating with said plurality of access points (Figure 2), an internal access point (any one of items 202,203,204,205 in Figure 2) for managing communication with a

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plurality of wireless devices (Figure 2); and a packet switch controller (item 200 in Figure 2) for directing data between said plurality of stations and said plurality of wireless devices, wherein said packet switch controller switches between said plurality of stations in response to signal strengths received from said plurality of access points (Col. 5, lines 56-67; Col. 6, lines 1-9).

Averbuch did not teach expressly plurality of stations for communicating with said plurality of access points. However, Park teaches in an analogous art, plurality of stations for communicating with said plurality of access points (Abstract; Col. 6, lines 33-41, "soft handoff", "multiple antennas"). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use plurality of stations for communicating with said plurality of access points to provide macro diversity and is well known in the art.

Regarding claim 18, Averbuch further teaches the wireless system of claim 13 wherein said wireless switch is mounted to a transportation vehicle (Figure 2; Abstract, lines 3-4).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Chia (US 5396253).

Regarding claim 3, Averbuch teaches all the particulars of the claim except wherein said monitoring comprises: applying a filtering function to received signal strengths. However, Chia teaches in an analogous art, wherein said monitoring comprises: applying a filtering function to received signal strengths (Col. 2, lines 65-68).

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Therefore, it would be obvious to one of ordinary skill in the art the time of invention to use the method except wherein said monitoring comprises: applying a filtering function to received signal strengths. This modification improves accuracy of the signal strength estimate during a deep fade.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Park and further in view of Chia (US 5396253).

Regarding claim 11, Averbuch in view of Park teaches all the particulars of the claim except wherein said monitoring comprises: applying a filtering function to received signal strengths. However, Chia teaches in an analogous art, wherein said monitoring comprises: applying a filtering function to received signal strengths (Col. 2, lines 65-68). Therefore, it would be obvious to one of ordinary skill in the art the time of invention to use the method except wherein said monitoring comprises: applying a filtering function to received signal strengths. This modification improves accuracy of the signal strength estimate during a deep fade.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Shostak (US 2004/0043797).

Regarding claim 4, Averbuch teaches all the particulars of the claim except maintaining a connection with said second access point by communicating ping packets through said second access point. However, Shostak teaches in an analogous art, maintaining a connection with said second access point by communicating ping packets

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through said second access point (Paragraph [0058], lines 1-13). Therefore, it would be obvious to one of ordinary skill in the art the time of invention to maintain a connection with said second access point by communicating ping packets through said second access point. This modification helps in speeding up the handover process.

Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Park and further in view of Shostak (US 2004/0043797).

Regarding claims 10 and 17, Averbuch teaches all the particulars of the claim except 13 wherein said packet switch controller maintains a connection with one of said plurality of access points that is not currently used for data communications by routing ping packets through said one of said plurality of access points. However, Shostak teaches in an analogous art, wherein said packet switch controller maintains a connection with one of said plurality of access points that is not currently used for data communications by routing ping packets through said one of said plurality of access points (Paragraph [0058], lines 1-13). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use wireless system, wherein said packet switch controller maintains a connection with one of said plurality of access points that is not currently used for data communications by routing ping packets through said one of said plurality of access points. This modification helps in speeding up the handover process.

Claims 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Noll et al. (hereinafter Noll) (US 2003/0153316).

Regarding claim 5, Averbuch teaches said plurality of wireless devices and said wireless switch are moving in a common direction (Figure 2; Col. 8, lines 42-43), the method further comprising: operating a base station associated with said first access point by tracking movement of said plurality of wireless devices (Col. 4, lines 4-5). Averbuch did not teach specifically a directional antenna. However, Noll teaches in an analogous art, directional antenna ("directional antenna", Paragraph [0018], lines 7-8). Therefore, it would be obvious to one of ordinary skill in the art the time of invention to use directional antenna. This modification improves the communication efficiency.

Regarding claim 6, Averbuch teaches all the particulars of the claim except monitoring received signal strengths associated with respective patterns of antenna elements of said directional antenna; and switching between said patterns in response to monitoring received signal strengths associated with the respective patterns. However, Noll teaches in an analogous art, monitoring received signal strengths associated with respective patterns of antenna elements of said directional antenna; and switching between said patterns in response to monitoring received signal strengths (paragraph [0018], lines 1-15). Therefore, it would be obvious to one of ordinary skill in the art the time of invention to use the method of monitoring received signal strengths associated with respective patterns of antenna elements of said directional antenna; and switching between said patterns in response to monitoring received signal strengths. This modification improves the communication efficiency.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Park and further in view of Noll et al. (hereinafter Noll) (US 2003/0153316).

Regarding claim 14, Averbuch in view of Park teaches all the particulars of the claim 14 except the directional antenna. However, Noll teaches in an analogous art, directional antenna ("directional antenna", Paragraph [0018], lines 7-8). Therefore, it would be obvious to one of ordinary skill in the art the time of invention to use directional antenna. This modification improves the communication efficiency. Averbuch did teach "iDEN Enhanced Base Transceiver Site" by Motorola which includes sector antenna (directional antenna).

Regarding claim 15, Averbuch in view of Park and further in view of Noll teaches all the particulars of the claim 14. However, Averbach did not teach expressly monitoring signal strengths received from said wireless switch by a plurality of patterns of discrete antenna elements of said directional antenna. Moreover, Noll teaches in an analogous art, monitoring signal strengths received from said wireless switch by a plurality of patterns of discrete antenna elements of said directional antenna (paragraph [0018], lines 1-15). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to monitor signal strengths received from said wireless switch by a plurality of patterns of discrete antenna elements of said directional antenna. This modification improves the communication efficiency.

Regarding claim 16, Averbuch in view of Park and further in view of Noll teaches all the particulars of the claim 15. However, Averbuch did not teach expressly wherein

said controller of said base station switches between said plurality of patterns in response to said monitoring. Moreover, Noll teaches in an analogous art, wherein said controller of said base station switches between said plurality of patterns in response to said monitoring (paragraph [0018], lines 1-15). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the wireless system wherein said controller of said base station switches between said plurality of patterns in response to said monitoring.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Park and further in view of Haumont et al. (hereinafter Haumont) (US 2001/0012279).

Regarding claim 12, Averbuch in view of Park teaches all the particulars of the claim except wherein when said packet switch controller switches communications between a first station to a second station, said switch controller distributes remaining packets received by said first station to said plurality of wireless devices and send acknowledgement packets through said second station. However, Haumont discloses in an analogous art, wherein when said packet switch controller switches communications between a first station to a second station, said switch controller distributes remaining packets received by said first station to said plurality of wireless devices and send acknowledgement packets through said second station (Paragraph [0053], lines 21-32; Paragraph [0083], lines 1-12). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use wireless system, wherein when said packet switch

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controller switches communications between a first station to a second station, said switch controller distributes remaining packets received by said first station to said plurality of wireless devices and send acknowledgement packets through said second station. This modification prevents the second access points from sending duplicate packets.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Haumont et al. (hereinafter Haumont) (US 2001/0012279) and further in view of Gresham et al (hereinafter Gresham) (US 2002/0160773).

Regarding claim 7, Averbuch in view of Haumont teaches all the particulars of the claim except wherein the packets from the first access point that are associated with transmission control protocol (TCP) sessions. However, Gresham teaches in an analogous art, the wireless switch system wherein the packets from the first access point that are associated with transmission control protocol (TCP) sessions (Paragraph [0099], line 19). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use wireless system, wherein the packets from the first access point that are associated with transmission control protocol (TCP) sessions. This modification helps in accessing Internet through mobile devices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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